



Transforming Lives

The Hub Alternative Provision Centre

ADOPTION PAY & LEAVE POLICY

1. Background & Scope

This policy is in line with statutory legislation. It applies to all employees of the Council, except those employed to work in Voluntary Aided or Foundation Schools where the Governing Body is the employer unless adopted by the respective school governing body, and who are adopting a child who will be placed with them on or after 1st April 2007 or if adopting from overseas, when the child enters Britain on or after 1st April 2007. Where the employee adopting is the Headteacher, any reference made to Headteacher throughout this policy and procedure should be read as Chair of Governors.

2. Definitions for the Purposes of this Policy

SAL	Statutory Adoption Leave
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAP	Statutory Adoption Pay

3. Policy Statement

The East Riding of Yorkshire Council recognises and supports the right of all eligible employees to take adoption leave and be paid in accordance with statutory legislation.

4. Policy Implementation

The policy will be implemented by the Headteacher in consultation with Human Resources.

5. References

Maternity & Parental Leave Regulations 2002
Work and Families Act 2006 – Maternity & Parental Leave (Amendment) Regulations 2006.

ADOPTION PAY & LEAVE PROCEDURE

1. Eligibility

1.1. An employee is covered by this policy if:

- (a) they are accepted as an adoptive parent by a recognised adoption agency and have been matched with a child to be placed with them by a UK adoption agency (this policy does not apply to an employee formally adopting the child of their partner);
- (b) they have notified the adoption agency that they agree that the child should be placed with them and agreed the date of placement;

2. Entitlement to Pay and Leave

- 2.1 All employees are entitled to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption leave (AAL).
- 2.2 OAL starts on the day the employee has specified in their request, unless the employee wanted their leave to start on the date the child was placed and they were at work on that day. If this is the case the employees leave will start on the following day.
- 2.3 AAL starts on the day immediately following the date on which OAL ends, making a total of 52 weeks adoption leave. However, AAL will not apply if the ordinary adoption leave ended prematurely.
- 2.4 Eligible employees (i.e. those with 26 weeks continuous service ending with the week in which the employee is notified they are matched with a child) are entitled to 39 weeks Statutory Adoption Pay (SAP). The first 6 weeks will be paid at 9/10ths of a weeks pay followed by 33 weeks of SAP (currently £108.85 per week) or 90% of average weekly earnings if this is less than the SAP rate. In addition to this, employees with 1 years' continuous service at the date the child is placed with them will receive 12 weeks half pay for weeks 7 – 18 providing they return to work for at least 3 months following their period of adoption leave.
- 2.5 Statutory adoption pay will start on the day the employee starts statutory adoption leave. This can be on any day of the week.
- 2.6 During OAL an employee is entitled to the benefit of all their terms and conditions, which would have been applied if they had not been absent, with the exception of remuneration which is defined as wages or salary. During AAL however an employee's contract remains in force but normal contractual benefits will be suspended. The only terms that continue will be: annual leave and bank holiday accrual, rights to notice of

termination, statutory redundancy pay, discipline or grievance procedures, the duty of trust and confidence and good faith.

- 2.7 Likewise during OAL and AAL an employee will be bound by any obligations in their terms and conditions unless they are inconsistent with the right to take adoption leave.

3. **Disrupted Placements**

- 3.1 Where, after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this situation adoption leave will end 8 weeks after the end of the week in which the disruption occurred. The employee should give their Headteacher 28 days notice if they wish to return to work before the end of the 8 week period.

- 3.2 There is no extension of AAL if disruption occurs with less than 8 weeks to go.

4. **Other Conditions**

- 4.1 Where both adoptive parents are employees of the East Riding of Yorkshire Council one of them must decide which one will take adoption leave and which one will take maternity support leave.

- 4.2 There is an entitlement to only one period of adoption leave regardless of the number of children placed at any one time.

5. **Starting Leave**

- 5.1 The employee can choose to start their adoption leave on:

The date the child is placed; or

A predetermined date, no more than 14 days before the date the child is expected to be placed with the employee and no later than the date the child is placed.

- 5.2 Up to 3 days of the 29 weeks leave can be taken for legal/technical formalities relating to the adoption providing that written evidence is submitted.

- 5.3 Leave under this policy must be taken in a continuous block with the exception of leave under paragraph 5.2

6. **Notice**

- 6.1 When an employee has been accepted as an adoptive parent they must notify their Headteacher in writing of their intention to take adoption leave and provide evidence from the Adoption Agency.

- 6.2 When an employee has been matched with a child, they must inform their Headteacher and notify Human Resources, using Form A1 (see Appendix 1), of the date on which the child is expected to be placed for adoption and the date when they want to commence their adoption leave. This notice should be provided no later than 7 days after the date on which the employee is notified of having been matched with the child for the purposes of adoption (or as soon as is reasonably practicable).

6.3 The employee must give their Headteacher at least 28 days written notice whenever possible (or as soon as reasonably practicable if this is not possible) of the date they intend to start adoption leave using form A1 and a matching certificate from the adoption agency must be attached. This form should be sent to Human Resources.

6.4 If an employee wishes to vary their adoption leave start date they must provide their Headteacher with at least 28 days notice.

7. Return to Work

7.1 It is expected that the employee will take their full entitlement to OAL and AAL providing they are eligible. If an employee intends to return prior to this date, they must notify their manager with at least 21 days written notice of their intended date of return and complete and forward Form A2 (see Appendix 2) to Human Resources.

7.2 If an employee changes their mind about their return date and wants to return even earlier then they must advise their Headteacher 21 days before the new date.

7.3 If an employee wants to postpone their early return date then they must advise their Headteacher 21 days before the original early return date.

7.4 An employee has the right following ordinary adoption leave to return to the position (subject to paragraph 7.5 below) to which they are employed under their existing contract of employment. If an employee returns to work following additional adoption leave his or her entitlement is to return either to the same job, or if that is not reasonably practicable from the School or the Council's perspective, to another suitable job which is on terms and conditions not less favourable.

7.5 Where it is not practicable for an employee to return to their original position because of redundancy or reorganisation the provisions of the Council's Retraining and Redeployment Policy (J2) will apply.

7.6 If the employee fails to give sufficient notice of their return to work date (i.e. 21 days) the Headteacher has a right to postpone an employee's return to work for a period of 28 days by notifying the employee of its intention. The employee will not receive pay during this period, if they are not within their period of OAL.

7.7 Where the employee does not return to work for a period of at least 3 months the 12 weeks half pay (i.e. contractual adoption pay) must be repaid to the Council. The employee must give written consent for such repayment in advance of commencing the adoption leave.

8. Keeping in Touch Days

8.1 An employee may be requested by their Headteacher to come into work for up to 10 days whilst on adoption leave in order to keep in touch without losing their right to adoption pay or leave. This could mean attending training days, attending a conference or to be updated on key work issues etc. Attendance is not compulsory and will be by mutual agreement of both parties. If employees are requested to attend work for KIT days, they will be:

8.1.1 paid at their standard hourly rate of pay for any hours worked if they are not in receipt of adoption pay when they attend work or:

- 8.1.2 given paid time off in lieu at a later stage for the hours worked if they are in receipt of adoption pay when they attend work.

Please note there is no statutory right to be paid KIT days.

9. **Reasonable Contact**

- 9.1 It is expected that whilst an employee is on adoption leave, their Headteacher may wish to make reasonable contact with them to plan their return to work and/or update them on any issues that may affect them.

10. **Other Issues**

- 10.1 Adoption leave does not constitute

Approved by The Hub Management Committee – February 2016

Signed by Sheriden Hutchinson-Jones

Chair of The Hub Management Committee